

EXCERPTS FOR MASTER & JOURNEYMAN PLUMBERS CONTRACTORS

(For Complete text see www.sos.state.ga.us/ebd-construct)

EXCERPTS FROM THE CONSTRUCTION INDUSTRY LICENSING BOARD ACT O.C.G.A. 43-14

43-14-2. Definitions - Excerpts

(9) "Journeyman plumber" means any person other than a master plumber who has practical knowledge of the installation of plumbing and installs plumbing under the direction of a master plumber.

(11) "Master plumber" means any individual engaging in the business of plumbing under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform plumbing contracting services under express or implied contract.

(12) "Plumbing" means the practice of installation, maintaining, altering, or repairing piping fixtures, appliances, and appurtenances in connection with sanitary drainage or storm drainage facilities, venting systems, medical gas piping, or public or private water supply systems within or adjacent to any building, structure, or conveyance; provided, however, that after July 1, 1997, only master plumbers and journeyman who have been certified by the Division of Master Plumbers and Journeyman Plumbers to perform such tasks shall be authorized to install, maintain, alter, or repair medical gas piping systems. The term "plumbing" also includes the practice of any materials used in installing, maintaining, extending, or altering the storm water or sewerage and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal. Notwithstanding any other provision of this chapter, any person who holds a valid master plumbing license or any company which holds a valid utility contractor license shall be qualified to construct, alter, or repair any plumbing system which extends from the property line up to but not within five feet of any building, structure, or conveyance, regardless of the cost or depth of any such plumbing system.

(12.1) "Telecommunication system" means a switching system and associated apparatus which performs the basic function or two-way voice or data service, or both, and which can be a commonly controlled system capable of being administered both locally and remotely via secured access.

43-14-8 Licensing of persons engaged in business of electrical contracting, plumbing, or conditioned air contracting; conducting of such businesses by corporations and partnerships. - Excerpts

(b) (1) No person shall engage in the business of plumbing as a master plumber unless such person has a valid license from the Division of Master Plumbers and Journeyman Plumbers.

(2) No person shall engage in the business of plumbing as a journeyman plumber unless such person has a valid license from the Division of Master and Journeyman Plumbers.

(g) No partnership or corporation shall have the right to engage in the business of plumbing unless there is regularly connected with such partnership or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses for master plumbers issued to them as provided for in this chapter.

43-14-13. Applicability of Chapter - Excerpts

(a) This chapter shall apply to all installations, alterations, and repairs of plumbing, air conditioning and heating, or electrical or low-voltage wiring or utility systems within or on public or private buildings, structures, or premises except as otherwise provided in this Code section.

(b) Any person who holds a license issued under this chapter may engage in the business of plumbing, electrical contracting, conditioned air contracting, low-voltage contracting, or utility contracting but only as prescribed by the license, throughout the state; and except as provided in Code Section 43-14-12, no municipality or county may require such person to

comply with any additional licensing requirements imposed by such municipality or county.

(c) This Chapter shall not apply to the installation, alteration, or repair of plumbing, air-conditioning and heating, utility systems, or electrical services, except low-voltage wiring services, up to and including the meters where such work is performed by and is an integral part of the system owned or operated by a public service corporation, electrical, water, or gas department of any municipality in this state, a railroad company, a pipeline company, or a mining company in the exercise of its normal function as such.

(d) This chapter shall not prohibit an individual from installing, altering, or repairing plumbing fixtures, air conditioning and heating, air conditioning and heating fixtures, utility systems, or electrical or low-voltage wiring services in a residential dwelling owned or occupied by such individual; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and any applicable county or municipal resolutions, ordinances, codes, or inspection requirements.

(e) This chapter shall not prohibit an individual employed on the maintenance staff of a facility owned by the state or by a county, municipality, or other political subdivision from installing, altering, or repairing plumbing, plumbing fixtures, utility systems, or electrical or low-voltage wiring services when such work is an integral part of the maintenance requirements of the facility; provided, however, that all such work must be done in conformity with all other provisions of this chapter and the orders, rules, and regulations of the board.

(f) This chapter shall not prohibit any person from installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or electrical or low voltage wiring services in a farm or ranch service building or as an integral part of any irrigation system on a farm or ranch when such system is not located within 30 feet of any dwelling or any building devoted to animal husbandry. Nothing in this subsection shall be construed to limit the application of any resolution, ordinance, code, or inspection requirements of a county or municipality relating to such connections.

(j) This chapter shall not apply to regular full-time employees of an institution, manufacturer, or business who perform plumbing, electrical, low voltage wiring, utility contracting, or conditioned air work when working on the premises of that employer.

(k) This chapter shall not apply to persons licensed as manufactured or mobile home installers by the state fire marshal when:

(1) Coupling the electrical connection from the service entrance panel outside the manufactured housing to the distribution panel board inside the manufactured housing;

(2) Connecting the exterior sewer outlets to the above-ground water system; or

(3) Connecting the exterior water line to the above-ground water system.

(m) This chapter shall not prohibit any person from installing, altering, or repairing the plumbing component of a lawn sprinkler system from a backflow preventer which was installed by a licensed plumber; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and ordinances of the county or municipality.

EXCERPTS FROM PROFESSIONAL LICENSING BOARDS GENERAL PROVISION O.C.G.A. 43-1.

43-1-19. Grounds for refusing to grant or revoking licenses - Excerpts

(a) A state examining board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(1) Failed to demonstrate the qualifications or standards for a license contained in this Code section, or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he meets all the requirements for the issuance of a license, and, if the board is not satisfied as to the applicant's qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he so desires;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this title or on any document connected therewith; or practiced fraud or deceit or intentionally made any false statement in obtaining a license to practice the licensed business or profession; or made a false statement or deceptive registration with the board;

(3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this paragraph and paragraph (4) of this subsection, the

term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and, as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(4) Been arrested, charged, and sentenced for the commission of any felony, or any crime involving moral turpitude, where:

(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime;

(5) Had his license to practice a business or profession licensed under this title revoked, suspended, or annulled by any lawful licensing authority other than the board; or had other disciplinary action taken against him by any such lawful licensing authority other than the board; or was denied a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of the licensed business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title;

(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by a state examining board to practice a business or profession licensed under this title or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the state examining board regulating the business or profession licensed under this title, the United States, or any other lawful authority (without regard to whether the violation is criminally punishable), which statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title, when the licensee or applicant knows or should know that such action is violative of such statute, law, or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or without this state; any such adjudication shall automatically suspend the license of any such person and shall prevent the reissuance or renewal of any license so suspended for as long as the adjudication of incompetence is in effect;

(10) Displayed an inability to practice a business or profession licensed under this title with reasonable skill and safety to the public or has become unable to practice the licensed business or profession with reasonable skill and safety to the public by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material; or

(11) Failed to comply with an order for child support as defined by Code Section 19-11-9.3; it shall be incumbent upon the applicant or licensee to supply a notice of release to the board from the child support agency within the Department of Human Resources indicating that the applicant or licensee has come into compliance with an order for child support so that a license may issue or be granted if all other conditions for licensure are met.

(b) The provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," with respect to emergency action by a state examining board and summary suspension of a license are adopted and incorporated by reference into this Code section.

(c) For purposes of this Code section, a state examining board may obtain, through subpoena by the joint secretary, upon reasonable grounds, any and all records relating to the mental or physical condition of a licensee or applicant, and such records shall be admissible in any hearing before the board.

(d) When a state examining board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to the business or profession licensed by the board, the board may take any one or more of the following actions:

(1) Refuse to grant or renew a license to an applicant;

(2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be

attached to the restoration of said license;

(4) Limit or restrict any license as the board deems necessary for the protection of the public;

(5) Revoke any license;

(6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;

(7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or profession; or

(8) Impose on a licensee or applicant fees or charges in an amount necessary to reimburse an examining board for the administrative costs incurred by the board in conducting an investigative or disciplinary proceeding.

(e) In addition to and in conjunction with the actions described in subsection (d) of this Code section, a state examining board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty; or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee on probation, which probation may be vacated upon noncompliance with such reasonable terms as the board may impose.

EXCERPTS FOR MASTER & JOURNEYMAN PLUMBERS CONTRACTORS

(For complete text see www.sos.state.ga.us/ebd-construct)

EXCERPTS FROM THE RULES OF THE STATE CONSTRUCTION INDUSTRY LICENSING BOARD

121-2-.02 Statewide Master and Journeyman Plumber License. Amended.

(1) to obtain a statewide Class I and Class II master plumber or a statewide journeyman plumber license, a person must submit a completed application, meet the experience requirement, obtain a score of seventy (70) on the appropriate examination, and pay the required fees. An applicant must provide three persons who are currently licensed as plumbers who can attest to the applicant's good character and plumbing experience to the satisfaction of the Division. At least one reference must be a licensed master plumber. Statewide Class I master plumber licenses are restricted to plumbing involving single family dwellings and one level dwellings designed for not more than two families and commercial structures not to exceed 10,000 square feet in area. Statewide Class II master plumber licenses are unrestricted.

(2) Applicants for statewide master plumber license must document a minimum of 5 years experience in plumbing work as would be covered by items of the Georgia State Plumbing Code. At least 2 years of experience must be Primary Experience as defined in paragraph (5) below. Applicants for Class II Unrestricted master plumber license must document experience in commercial or industrial plumbing.

(3) Applicants for statewide journeyman plumbers license must document a minimum of 3 years experience in plumbing work as would be covered by items of the Georgia State Plumbing Code. Such experience may be Primary or Secondary experience as defined in paragraphs (5) or (6) below.

(4) Primary Experience shall mean working experience gained through the direct installation of plumbing systems of a type which would be covered by the Georgia State Plumbing Code and/or under supervision of a licensed master plumber and directly related activity. Examples of Primary Experience would include, but would not be limited to:

(a) installation of plumbing pipes and fixtures by a plumbing contractor, master plumber, journeyman plumber, plumbing foreman, plumbing superintendent, a military plumber with a rank of at least a 3rd class petty officer or E-4 noncommissioned officer;

(b) mechanical engineer or design by a registered professional engineer having responsibility for follow up project inspection.

(5) Secondary Experience shall mean work experience gained while engaged in work or training related to the installation of plumbing which would be covered by the Georgia State Plumbing Code. Examples of Secondary Experience may include, but not be limited to:

(a) installation of plumbing pipes and fixtures by a plumbing apprentice, trainee, or helper;

(b) plumbing work performed by a maintenance employee;

- (c) instruction on plumbing installation, theory, and code by a full-time secondary or post secondary instructor;
 - (d) inspection of plumbing by a full-time municipal or county inspector;
 - (e) mechanical engineering or design by a registered professional engineer without having responsibility for project inspection; and
 - (f) estimating plumbing work for a plumbing contractor.
- (6) Education may be applied toward the experience requirement as Secondary Experience as follows:
- (a) completion of a diploma program of a technical school in Engineering Technology may be credited as no more than 2 years of Secondary Experience; and
 - (b) completion of a certificate program of a vocation-technical school may be credited as no more than 1 year of Secondary Experience.

121-2-.06 Review Course for Re-examination.

(1) Any applicant for conditioned air contractor, electrical contractor, master plumber or journeyman plumber who takes and fails the examination twice after July 1, 1989, must present satisfactory evidence to the appropriate division of the board that the applicant has completed a board approved review course before such applicant will be scheduled for a third examination. If such applicant fails the examination a third time, the applicant shall not be required to complete additional courses prior to taking subsequent examinations.

(3) To be approved, an outline of the review course must be submitted to the appropriate division of the board. Such outline must list the topics covered, the actual time of instruction, the name of the instructor, and other information determined necessary for division review. The review course must meet one of the following:

- (a) a course which covers code requirements conducted by a college, postsecondary technical school, or a military service; or
- (b) a course of a minimum of 6 hours of actual instruction, conducted by an instructor who holds a contractor or master license in the appropriate trade and who has prior teaching or training experience acceptable to the appropriate division. The course must cover the following topics:

- 1. a review of examination topics;
- 2. a review of examinations references;
- 3. instruction on code, calculations, and other examination topics;
- 4. instructions on testing skills;
- 5. instructions on study and examination preparation skills; and
- 6. other related topics acceptable to the division; or

(c) a course of a minimum of 6 hours of actual instruction related to code or industry practices, conducted by an instructor who holds a contractor or master license in the appropriate trade and who has prior teaching and training experience acceptable to the appropriate division.

(d) a correspondence course related to code or industry practices, the successful completion of which is determined by a written evaluation, which is acceptable to the division;

121-3-.02 Confidentiality of Applicant and Examination Information.

(1) Applications for examination and the names of applicants shall be confidential and shall not be disclosed without written authorization from the applicant and approval by the appropriate division. Personal references submitted by third parties as part of an application shall not be disclosed to the applicant without written authorization from the person who submitted the reference and approval by the appropriate division.

(2) No applicant may remove from the examination room any examination material or notes on the examination. All examination material and notes made by the applicant during the examination must be given to the examination proctor before leaving the examination room. Any applicant who removes examination materials or notes from the examination room or who shares information on examination questions or answers during or after the examination, or who violates other procedures for the examination as listed in the examination instructions will be subject to disciplinary proceedings as provided for the Board Rule 121-5, at the discretion of the appropriate division.

(3) The appropriate division may, at its sole discretion, release the grade to a failing applicant. Individual papers may not be reviewed with the applicant nor shall the applicant be permitted to inspect either questions or answers following the examination.